

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**RMAIL LIMITED,**  
*Plaintiff,*

**V.**

**AMAZON.COM, INC., et al.,**  
*Defendants.*

**RMAIL LIMITED, et al.,**  
*Plaintiffs,*

**V.**

**DOCUSIGN, INC.**  
*Defendant.*

**RPOST HOLDINGS, INC., et al.,**  
*Plaintiffs,*

**V.**

**ADOBE SYSTEMS INC., et al.,**  
*Defendants.*

[illegible]

**CAUSE NO. 2:10-CV-258-JRG**

**CONSOLIDATED**

**CAUSE NO. 2:11-CV-299-JRG**

**MEMBER**

**CAUSE NO. 2:11-CV-325-JRG**

MEMBER

## ORDER

Pending before the Court is RPost Holding Inc., RPost Communications Limited, and RMail Limited’s (collectively, “Plaintiffs”) Motion to Strike the Notice of Lien. (Dkt. No. 551.) On September 9, 2013, Kenneth Barton (“Barton”), a non-party to the above actions, filed a Notice of Lien in this case based on a money judgment awarded to him in a civil action pending in the Superior Court of California, County of Los Angeles, before Judge Rice and styled *Kenneth Barton v. RPost International Limited, et al.*, Case No. YC061581. (Dkt. No. 550.) The

judgment debtor is RPost International Limited. However, RPost International Limited is not presently a party to the above consolidated action.<sup>1</sup>

As clearly printed in paragraph 7 of the Notice of Lien, the lien only attaches to a cause of action *of the person named in item 5*, RPost International Limited, who is the subject of this action or proceeding. Since RPost International Limited is not a party to this case, this Notice of Lien, by its own provisions, has no bearing on the pending litigation. Moreover, a lien is premature because the money judgment is not a final non-appealable judgment ripe for collection. In fact, RPost International Limited has filed a notice of appeal and Barton has filed a cross-appeal. For the foregoing reasons, the Court finds that the Notice of Lien is wholly without merit and should be stricken.


In his responsive brief, Barton also asks the Court to order certain discovery from RPost International Limited as well as the Plaintiffs in this action. Barton's request as to RPost International Limited is improper for the reasons stated above. Barton's request as to Plaintiffs is likewise inappropriate because Barton is not a party to this case, having only filed a Notice of Lien and not a motion to intervene or other application to be added as a party. Consequently, Barton has no standing to compel discovery from this Court.

Accordingly, Plaintiffs Motion to Strike the Notice of Lien (Dkt. No. 551) is **GRANTED** and the Notice of Lien (Dkt. No. 550) is hereby **STRICKEN** in its entirety.

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<sup>1</sup> RPost International Limited was a party to three of the seven member cases within the consolidated action; however, each of the three member cases involving RPost International Limited has been dismissed. (*See* Case Nos. 2:11-cv-6, 2:11-cv-16, and 2:11-cv-64.)

**So ORDERED and SIGNED this 22nd day of January, 2014.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE